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## FREE LEGAL AID BUREAUS

which turned out to be a power of attorney in which he constituted one Stella Blanding his attorney, to make notes, assignments of wages and any other instrument to repay the loan. This power to be exercised in the state of Maine. When the note was not paid at maturity, the attorney made an assignment of the employe's wages due from the Erie Railroad Company in the sum of \$90.00. A copy of the assignment was sent to the railroad company, with a statement that if \$60.50 were paid under it before the claim was put in the hands of an attorney the assignment would be withdrawn. Suit was then brought against the railroad company to collect the \$60.50. The Appellate Division of the First Department held the assignment void and dismissed the suit on the ground that the law required that notice be served on the employer within three days after the borrower made his note and assigned his wages, and not within three days after the assigned wages were collectable.

R. H. G.

**A Grave Defect.**—The following is from *Case and Comment* for January, 1912: "In the new English Court of Criminal Appeal the first capital case was recently passed upon, says the New York *Evening Post*, and it revealed a serious defect in the law creating the court, novel in British judicial procedure. A convicted murderer appealed on the ground that the jury in the court below had been improperly directed as to certain corroborative evidence. The judges on appeal found the plea to be well taken. Without asserting the innocence of the accused man—indeed, it is evident that they believe him guilty—the judges declare that they cannot be certain that the jury would have convicted him if it had not been misinformed as to the nature of part of the evidence against him. Hence the verdict was quashed; but now comes the surprising thing—the Court of Criminal Appeal is not able, under the law, to order a new trial! Over this lack of power Justice Darling expressed sincere regret, saying that the court felt that the case was one in which it was eminently desirable that 'all the facts should again be submitted to a jury with an adequate and proper direction.' Unhappily, the statute did not confer authority to order a new trial in criminal cases, though it did in civil. Justice Darling significantly added that he hoped that what the court said on this point would be 'considered by those who had power to amend the law in this respect.' One would think so! The right of criminal appeal was established in England as a safeguard against possible injustice to the innocent; it could never have been intended to permit a man charged with atrocious crime to escape by means of a loophole in the law. To close it will certainly be the immediate duty of Parliament."

R. H. G.

**Free Legal Aid Bureaus.**—The following is from *Case and Comment* for January, 1912:

"The value of the free legal aid bureau," says the Kansas City *Journal*, "has been demonstrated on many occasions, but rarely more conspicuously than when it took up the cause of a number of waitresses whose valid claim against a defunct concern would in all probability have been overlooked had they not been represented by counsel. In the nature of things, working girls, whose claims averaged only a few dollars each, could not employ attorneys to look out for their small interests, but the very fact that they were working girls made even the most modest of claims matters of importance to them.

"The moral effect upon the unscrupulous of the knowledge that there

## APPEAL FIVE YEARS AFTER ORIGINAL TRIAL

stands between them and those needing protection an organization of such potency is probably the most telling influence exerted by the bureau, as has been proved on numerous occasions when the mere demand for redress of wrongs has been met with alacrity.

"In commenting on this line of work, the St. Louis *Republic* observes: 'Our philanthropic lawyers are going to provide free, or nearly free, litigations for the poor. That is, they will take poor people's cases for nothing or next to nothing.'

"We should condemn this philanthropic enterprise if its object were to encourage pauperism. But this is not the case. The guiding object is 'to help people to help themselves,' and the litigants will be allowed to pay whatever they can, be it ever so little. So that we commend it cordially, and the more so since a special purpose will be to attack loan sharks that wring usury out of the poor.

"In such excellent work every member of the bar might well bear a part. But it appears that the older members have left it all for the young ones. Every name in the list of those actively interested is that of a young man. Are only young lawyers philanthropic? Do they become colder and less unselfish as years wear on? Have old lawyers no time for poor clients and no sympathies?"

"There has never been a time in the history of the American bar when many of its members in their private practice did not unostentatiously and freely give their professional skill to deserving persons who were unable to recompense them. The establishment of free legal aid bureaus but emphasizes a trait of the legal profession which has never been adequately recognized or appreciated and the extent of which has never been half revealed. The public has been inclined to point out the shortcomings of the lawyers rather than their virtues. Too much, however, cannot fairly be demanded of the legal profession in the way of charitable and unrequited service. The law is the lawyer's business and his means of livelihood. He has fitted himself for it by years of arduous preparation and ought not, any more than any other business man, to be expected to give the public too freely of his stock in trade."

R. H. G.

**Appeal in Criminal Case Five Years After Original Trial.**—The following is from the *New Jersey Law Journal* for December, 1911: "In 1906 a lawyer in Long Island was convicted of forgery in the first degree and sentenced to serve not more than five years in prison. Fully five years later, when, if guilty, he should have served his term and been released, his appeal was decided in the Appellate Division of the Supreme Court confirming his conviction. In the meantime the defendant was free and under bonds to await the decision of the appeal. The appeal is said to have been based wholly on technicalities. This is one of the things which tend to nullify all the good arising from criminal laws supposed to be wise and of criminal procedure supposed to be prompt. We cannot conceive of any good excuse for the postponement of the hearing and decision of an appeal in a criminal case to five years after the original trial. If the event had happened in New Jersey it would have been widely noticed as a most unseemly departure from Jersey customs and practice, but somehow or other, it having occurred in the state of New York, we have not observed any press comment upon it. There is